

EMERGENCY ORDINANCE PROVIDING FOR REQUIRED FACE COVERINGS IN PUBLIC PLACES DUE TO THE COVID-19 VIRUS, AND EXCEPTIONS THERETO

WHEREAS, the 2019 Novel Coronavirus ("COVID- 19") is a respiratory disease that can result in serious illness or death by the SARSCoV-2 virus, which is a new strain of coronavirus previously unidentified in humans and which can spread from person to person; and

WHEREAS, the Centers for Disease Control and Prevention has warned of the serious public health threat posed by COVID-19 globally and in the United States; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19 under Section 391 of the Public Health Service Act; and

WHEREAS, on March 13, 2020, the Governor of the State of South Carolina (the "State") issued Executive Order 2020-08, declaring a State of Emergency based on a determination that the COVID-19 poses an actual or imminent public health emergency for the State; and WHEREAS, the Governor of the State has subsequently declared a continuing State of Emergency in subsequent Executive Orders, including Executive Order 2020-42 on June 26, 2020;

WHEREAS, on March 17, 2020, Mayor Woolsey declared a state of emergency in the Town of James Island; and

WHEREAS, the James Island is experiencing a dramatic increase in the number of identified new COVID-19 cases, and as of July 4, 2020 the South Carolina Department of Health and Environmental Control ("DHEC") reported the total number of reported cases in South Carolina is 44,715, the number of confirmed deaths is 813, the number of reported cases in Charleston County is 5,650 and the number of current cases on James Island in zip code 29412 is 350; and

WHEREAS, if COVID-19 cases continue to increase the demand for medical facilities may exceed locally available resources and the private and public sector workforce may be negatively impacted by absenteeism; and

WHEREAS, health authorities, including the CDC and DHEC have recommended the use of face coverings as a means of preventing the spread of COVID- 19; and

WHEREAS, S.C. Code Ann. §5-7-250 empowers Council to enact emergency ordinances affecting life, health, safety, or property; and

WHEREAS, James Island Town Council has determined, based on the recommendations of public health authorities, an emergency exists, and responsive to a serious threat to the public health, safety, and welfare of its citizens, that it would serve the public interest to require that individuals wear face coverings in certain situations and locations within the boundaries of the Town of James Island.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF JAMES ISLAND:

Section 1 Emergency Ordinance E – 06 -2020 is hereby repealed.

Section 2. Required Face Coverings. All persons who are present within the Town of James Island are required to wear an appropriate face covering any time they are in contact with other persons who are not household members in indoor public places and indoor businesses where it is not possible to maintain a six-foot distance from others or where social distancing is not or cannot be being practiced. This includes the following:

- A. While entering or inside any retail, restaurant, office or other business location;
- B. While entering or inside any government building or facility under the jurisdiction of the Town;

All business and organizations within the Town of James Island are required to comply with this Ordinance, which is applicable to patrons and employees.

Section 3. Exemptions. Face Coverings shall not be required:

- A. in outdoor or unenclosed areas where six-foot social distancing can be maintained;
- B. for those who cannot wear a face covering for medical reasons;
- C. for children under five years old, provided that adults accompanying children age two to five shall use reasonable efforts to cause those children to wear Face Coverings where six-foot social distancing is not possible or observed;
- D. for patrons of restaurants or similar locations while seated and dining or drinking, or while standing and maintaining a six-foot social distance;
- E. in private offices;
- F. in settings where it is not practical or feasible to use a face covering;
- G. for public safety employees when it is not practical to wear a face covering.
- H. For persons traveling in their own vehicles.

Section 4. Enforcement.

1) A Uniform Ordinance Summons for violations of this Face Covering Ordinance shall be written only to businesses or organizations that fail to attempt to enforce the Face Covering requirements. Operators of businesses and organizations are entitled to rely on their customers or patrons statements about whether they are exempted from the Face Covering requirements, and businesses and organizations do not violate this Ordinance if they rely on such statements.

2) This Face Covering Ordinance may not be enforced criminally against individual persons, but if a worker, customer, or patron of a business or organization fails and refuses, without good cause or good excuse, to leave immediately upon being ordered or requested to do so by the person in possession of the property or his agent or representative, such person may be charged with a violation of S.C. Code § 16-11-620 ("Entering premises after warning or refusing to leave on request").

Section 5. Expiration of Ordinance. This Ordinance shall expire automatically as of the sixty-first day following the date of enactment, unless sooner terminated by Town Council.

Section 5. Effective Date and Time. This Emergency Ordinance shall take effect upon approval.

Done in Council, duly assembled this 3rd day of September, 2020.



Bill Woolsey
Mayor

Attest:



Frances Simmons
Town Clerk

This Emergency Ordinance was extended at the September 3, 2020 Town Council Meeting which was duly assembled and is slated to expire October 15, 2020, by affirmative vote of two-thirds of the members of Council present.